IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 6539 of 1996

Between:

1) Narayanpet Tappers' Cooperative Society, Narayanpet represented by its President G.Digambar Goud S/o Seetharamaiah Goud, R/o Narayanpet, Mahabubnagar District.

2) Narayanpet Tappers' Cooperative Society, represented by its Secretary, Narayanpet Taluq, Sri Thayappa S/o Balaiah, R/o Narayanapet, Mahabubnagar District.

.... PETITIONERS

AND

1) Presiding Officer, Labour Court-III Chandravihar, Hyderabad
2) Venkataiah Goud (I.D.No. 96/93)
   C/o Mohd. Lateefuddin, Representative, "House of Labour"
   KingKoti Road, Hyderabad-500 001
3) Jamalaiah Goud (I.D.No. 97/93)
4) Mallesh Goud (I.D.No. 98/93)
5) Manikaiah Goud (I.D.No. 99/93)
6) Tippanna Goud (I.D.No. 100/93)
7) Savaraiah Gound (I.D.No. 101/93)
8) Narasimhulu Goud (I.D.No. 102/93)

9) Sayanna Gound (I.D.No. 103/93)
10) Narasimha Goud (I.D.No. 118/93)
11) Krishnaiah Goud (I.D.No. 119/93)
12) Timmayya Goud (I.D.No. 120/93)
13) Sita Ramulu Goud (I.D.No. 121/93)
14) Dayanand Goud (I.D.No. 122/93)
(All the I.Ds are on the file of Labour Court-III, Chandravihar,

Hyderabad)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a Writ in the nature of Certiorari by calling for records from the first respondent in I.D. Nos. 96 to 103 and 118 to 122 of 1993, dt. 20/06/1994 as communicated under GORT No.195, dt.30/09/94 on the file of the first Respondent and quash the same and pass such other Order or Orders in the interests of justice.

Counsel for the Petitioner: MR.P.B.VIJAY KUMAR

Counsel for the Respondent No.2 to 14: MR.G.VIDYASAGAR

The Court made the following:

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O R D E R:

Respondents 2 to 14 herein filed 13 I.Ds. (I.D.No.96/1993 and batch) before the first respondent-Labour Court III, Hyderabad under Section 2A (2) of the Industrial Disputes Act, 1947 (for short `the Act') claiming that they were Toddy Tapping workmen employed by the Writ petitioners' Society-Narayanpet Tappers Cooperative Society, Narayanpet, Mahabubnagar (for short `the society'), and that they were initially appointed on a monthly wage of Rs.320/-. Working as such, they raised a demand as per the Minimum Wages Act and submitted a representation in this behalf to the Revenue Divisional Officer, Narayanpet. The said Officer called for a meeting with the Assistant Labour Officer, Chintakunta. The writ petitioners were also called to the said meeting. In the meeting held on 21.03.1983, an agreement was reached whereby the society agreed to enhance the wages to Rs.370/- per month, with effect from 1.10.1982 and to pay 50% of the consequent arrears immediately, i.e., on 21.3.1983 and that the balance of arrears would be paid before 01.04.1983.

2. It was the case of the workmen before the Labour Court that aggrieved at their conduct in seeking minimum wages, and with a vindictive attitude, the society terminated the petitioners from service by an oral order dated 01.7.1983. Urging the above grievance and contending that as the petitioners put in more than 240 days of continuous service in an year, their termination by the society, by an oral order dated 01.07.1983, constitutes illegal retrenchment actionable under the provisions of the Act. By the common award dated 20.06.1994, the claims of the workmen-respondents 2 to 14 herein were allowed by the Labour Court, Hyderabad, aggrieved whereby the present writ petition is filed.

3. On a perusal of the record of the impugned award, it is seen that the Labour Court made a conscientious scrutiny of the record before it and was rightly satisfied that there was enough evidence placed before it to arrive at the conclusion that respondents 2 to 14 herein were the workmen of the society, had the requisite regular service for their entitlement to the benefits of the provisions of the Act and that they were illegally terminated, which conduct amounts to retrenchment within the meaning of the provisions of the Act. In coming to the conclusion, the Labour Court principally relied on the documents Exs.W-1 to W-4, in particular Ex.W-2, which was a certified copy of the agreement between the workmen and the employer as regards the increased wages payable to the workmen. This document evidenced the claim of the respondents 2 to 14 herein that they were workmen employed by the society. Even the documentary evidence marshalled by the Management i.e., Exs.M-1 and M-2 disclosed payment of wages during a particular year evidencing employment of workmen for performing the functions of toddy tapping. On a conspectus of the documentary and oral evidence, the Labour Court rightly came to the conclusion recorded in the award and directed reinstatement of respondents 2 to 14 herein, while directing the petitioners-society to appoint respondents 2 to 14 in the same posts they held earlier to their oral termination. As the workmen had approached the Court after considerable delay, the Labour Court denied them back wages. This Court finds no error in the application of Law or exercise of discretion by the Court below. The award of the Labour Court is impeccable and warrants no interference by this Court.

4. The writ petition is devoid of merits, beseeches dismissal and is accordingly dismissed. No costs.

Sd/- (A.SUVARNA)

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1) The Presiding Officer, Labour Court-III

Chandravihar,Hyderabad
2) 2 CD copies

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